### FILED

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 29 1982

Jack C. Silver, Clerk U. S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

CAROL JEANNE TSUJI and
MANUEL CAMPOS SEVILLA,

Defendants.

#### ORDER

This matter comes before the Court on defendants' Motion for Acquittal.

This criminal proceeding arose from the arrest of defendants and two El Salvadoran nationals in northeastern Oklahoma on October 12, 1981. The grand jury returned an indictment against defendants on November 3, 1981 charging them with transportation of an illegal alien, David Antonio Mendez-Lopez, under 8 U.S.C. §1324(a)(2). Complaints were filed against both Salvadorans for failure to possess alien registration documents previously issued, but the charges were subsequently dismissed by the Court on December 18, 1981 because the registration documents had never been issued to them in the first place. United States v. David Antonio Mendez-Lopez, No. 81-CR-102-BT and United States v. Mauricio Emilio Henriquez, No. 81-CR-103-BT. Following lengthy pre-trial hearings, the trial of this matter commenced on January 4, 1982. That trial ended in a hung jury on January 8, 1982, at which time the defendants renewed their Motion for Acquittal, and the Court at that time set a new trial date of February 16, 1982.

The Court conducted a hearing on defendants' Motion for Acquittal on January 15, 1982. At that time, the Court expressed its concern to counsel for the Government with respect to the sufficiency of the Government's proof of two of the essential elements of the crime charged against defendants. Specifically, the Court pointed to the requirement defendants have knowledge the alien they are charged with transporting is not lawfully entitled to reside in the United States (Element

Number 3 in the Jury Instructions), and the requirement defendants acted willfully in furtherance of the alien's violation of the law (Element 5 in the Jury Instructions).

The Court's concern stems in part from a stipulation entered into by counsel for the parties on December 12, 1981 at the omnibus motion hearing wherein the parties agreed as to the substance of the testimony of a potential defense witness, immigration attorney Raymundo Campos. It is stated in that stipulation Mr. Campos would testify he met with the alien in question, David Antonio Mendez-Lopez, in the presence of defendant Tsuji on October 9, 1981 for the purpose of representing Mr. Mendez-Lopez with respect to the alien's application for political asylum. further stated in the stipulation Mr. Campos would testify he obtained all the necessary information to complete such an application and obtained Mr. Mendez-Lopez' signature on a blank political asylum application form. It is further stated therein Mr. Campos would testify it was agreed he would file the application the week following his meeting with the alien and defendant Tsuji. October 9, 1981 was a Friday and Monday, October 12, 1981, the date of defendants' arrest, was Columbus Day, a federal holiday.

At the trial of this matter, defendant Tsuji corroborated by her testimony the above stipulated testimony of attorney Raymundo Campos. The record indicates attorney Campos went to the Los Angeles, California immigration office to file the Mendez-Lopez political asylum application on Tuesday, October 13, 1981, but was not permitted to do so until Thursday, October 15, 1981 because of improper applicant fingerprint cards. As the record stands, no evidence has been offered rebutting or controverting the stipulated testimony of attorney Campos or the testimony of defendant Tsuji relative to the political asylum appli-It is because these statements remain uncontroverted cation. the Court suggested the Government rethink the continued prosecution of this case. Specifically, the Court was concerned with whether the Government would be able to establish a prima facie case in light of such statements.

In accordance with the Court's directive, the Government filed its response setting forth its position with respect to the points raised by the Court. Notably, the Government asserts the only witness (Raymundo Campos) who could have shed light on defendants' intent in accompanying the alien to a lawyer's office to fill out a political asylum application "chose not to appear as a defense trial witness." Further, the Government contends the stipulation regarding Mr. Campos' testimony was entered into for purposes of a motion hearing and not for trial purposes. In addition, the Government states the stipulation "was to the effect that Compos'[sic] would testify as to his intentions to file the application, not that this testimony was true."

Although it is true the stipulation regarding Mr. Campos' testimony was entered into for the purpose of the evidentiary hearing of December 11, 1981 and not for trial, the Court did not consider the stipulation at trial, and it was not made a part of the trial proceedings. At the same time, however, the Court notes the stipulation was originally offered in support of defendants' motion to dismiss the indictment. Defendants renewed this motion at the close of the Government's evidence in the form of a motion for acquittal, and urge the same motion now following the declaration of a mistrial after the jury could not arrive at a verdict. Thus, the Court finds it proper to consider the stipulation as part of the record in this matter as it bears on defendants' Motion for Acquittal. The Court further notes the Government has given no indication of its intention or ability to offer any evidence at a retrial to the contrary.

The Government makes an additional argument regarding the intent element of the offense alleged. The Government points out "[n]either Title 8, United States Code, Section 1201(B) or Sections 30 or 31 of the Alien Registration Act of 1940 provide exemptions to alien registration for persons who make asylum requests. The clear implication of this statement is to

the effect the proper filing of an application for political asylum would not affect an alien's status as "illegal", and, hence, defendants may be prosecuted for transporting an illegal alien irrespective of whether the alien has filed for political asylum. This contention by the Government is new in light of the repeated admissions by the Government that defendants would never have been prosecuted had the alien in question properly filed for political asylum prior to defendants' arrest. This is because temporary residence authority would be granted pending formal ruling on the political asylum application.

The Government repeated this position most recently in response to a direct question from the Court at the conference in this matter on January 15, 1982:

"THE COURT: ...As I understand it, the Government conceded in this case if before the arrest of those people up there at that turnpike gate about 9:30 a.m. on the morning of October 12, 1981, that formal political application [sic] for Mr. Mendez had been filed, this lawsuit would have never been prosecuted. Am I correct in that, Mr. Baker?

MR. BAKER: Yes, sir."

(Transcript of Proceedings had on January 15, 1982, pp. 11-12.)

It is clear from the language of the statute and the applicable case law proof of an offense under 8 U.S.C. §1324(a)(2) requires the establishment of five essential elements:

- (1) defendant transported an alien within the United States;
- (2) the alien had not been lawfully admitted or was not lawfully entitled to enter or reside within the United States;
- (3) this was known to defendant;
- (4) defendant knew the alien's last entry into the United States had taken place within three years prior to defendant's arrest; and
- (5) defendant acted willfully and knowingly in furtherance of the alien's violation of the law.

See, e.g., United States v. Gonzalez-Hernandez, 534 F.2d 1353, 1354 (9th Cir. 1976). In accordance with the foregoing discussion, the Court concludes the Government will be unable to

establish a prima facie case. This conclusion is based primarily on the failure of the Government to present evidence sufficient for a jury to conclude beyond a reasonable doubt defendants had the requisite wrongful intent in transporting the alien. Specifically, the Government has at no time controverted the stipulated testimony of attorney Campos or the testimony of defendant Tsuji regarding the meeting among herself, the alien Mendez-Lopez, and attorney Campos concerning the good faith filing of the political asylum application. The defendant Manuel Campos-Sevilla was likewise aware of the political asylum application preparation for filing by attorney Campos. Further, the Government has indicated no ability to produce any rebuttal evidence on this point. Thus, the Court cannot conclude the Government will be able, at a retrial of this matter, to prove defendants "knew the alien was not lawfully entitled to reside in the United States."

The Court is also concerned with whether the Government can establish a <u>prima facie</u> case with respect to the fifth essential element, <u>viz</u>: "that defendants acted willfully and knowingly in furtherance of the alien's violation of the law." In this regard, the Court has been aided by the analysis of the Ninth Circuit in <u>United States v. Moreno</u>, 561 F.2d 1321 (9th Cir. 1977). As the Court noted in <u>Moreno</u> when discussing the scope of the phrase "in furtherance of such violation of law",

"This section does not delineate the specific circumstances that must exist before an act of transporting an undocumented alien is 'in furtherance of such violation of law.' The significance of this quoted provision is that the mere transportation of a person known to be such an alien is not sufficient to constitute a violation of the section. The transportation must be 'in furtherance of such violation of law'. Congress, in enacting this provision, thus placed a specific qualification on the type of transportation activity it meant to prohibit."

561 F.2d at 1322. In attempting to define the nature of the qualification Congress placed on the activity proscribed, the Moreno court stated:

"[W]here the transportation of such an alien occurs, there must be a direct or substantial relationship between that transportation and its furtherance of the alien's presence in the United States."

561 F.2d at 1323. On the bases of the foregoing rationales, the Moreno court found the transportation of illegal aliens to a job site by an individual acting in the regular course of his employment was only incidentally connected to the furtherance of the alien's violation of law, and, as such did not come within the intent of \$1324(a)(2). Similarly, the transportation of Mendez-Lopez in the case at bar appears to be only incidentally connected to the alien's violation of law.

At a pre-trial hearing in this matter, the Government offered evidence tending to show defendants were transporting the alien to Chicago for the purpose of his finding employment. At trial, however, the evidence established defendants and the alien were in route to speaking engagements in the midwestern and eastern United States relative to the political situation and revolution in El Salvador. Government now contends "[t]he furtherance of Mendez' violation of law is that they were admittedly transporting around the country an illegal alien who was clearly in violation of Title 18, United States Code, Section 1302(a) by not registering." The Government additionally asserts defendants "furthered the violation by transporting him around the country for their political purposes in using him as a puppet in their revolutionary charades." It is thus clear this case does not involve a smuggling operation, that is, a situation where persons lawfully in this country agree for benefit or in a clandestine fashion to transport illegal aliens to places where the aliens seek to go for employment or otherwise.

As the Court noted in an order entered previously in this matter, the mere fact the ultimate purpose of the transportation of aliens is a lawful one is no defense, in and of itself, to a charge under 8 U.S.C. §1324(a)(2). Nevertheless, since it has been established defendants and the alien were en route to speaking engagements, and the uncontroverted evidence indicates defendant Tsuji aided the alien in taking the necessary steps to apply for political asylum prior to the transportation, the Court concludes defendants' alleged transportation of the alien cannot be shown to bear the necessary direct or substantial relationship to the alien's violation of law. In addition, in light of the foregoing discussion regarding specific intent, it appears the Government will be unable to show beyond a reasonable doubt defendants' alleged furtherance of the alien's violation of law was done willfully and knowingly. Accordingly, it is apparent the Government will not be able to establish a prima facie case as to the fifth element of the offense charged.

The matter is akin to the Polish seaman who leaves his ship at a U.S. port and enters the United States without official documents. He is befriended by a U.S. citizen knowing his status and taken to a lawyer specializing in immigration law to file a political asylum application. While the application is being prepared for prompt filing the friend transports the Polish alien to a university campus to talk to a group on the subject of the current political situation in Poland and the recently imposed martial law. While being transported by the friend in his automobile to the university campus, the friend is arrested and charged under 8 U.S.C. §1324(a)(2). This fact situation too fails for want of necessary proof to support elements 3 and 5. This hypothetical gives one a clearer perspective of the issue, rather than viewing the alien's transportation by admitted communist youth brigade members on a speaking tour about El Salvador sponsored by the revolutionary communist party.

From the commencement of this proceeding, defendants have made numerous and continued serious allegations of misconduct against the office of the United States Attorney and other state and federal government agencies. These charges include assertions of conspiracy, selective law enforcement, invidious discrimination, improper efforts to influence the grand jury, as well as prosecutorial vindictiveness. Each one of these charges has proved groundless. Despite being afforded ample opportunity to present evidence and question officials of various government agencies, defendants have failed to adduce any evidence in support of these claims, or even to raise suspicions in the minds of reasonable persons. Further, the Court reiterates its earlier observation that defendants are responsible for the repeated injection into these proceedings of the matter of defendants' political persuasion.

While the defendants and their counsel publicly condemn the system of government of the United States, it is the principles of due process and fair trial so permanently woven into the fabric of our law that assures them their liberty.

Having concluded the Government will be unable to establish a <u>prima facie</u> case with respect to the third and fifth elements of the offense alleged against defendants,

IT IS ORDERED defendants' Motion for Acquittal is hereby granted, and the indictment against defendants is dismissed.

IT IS FURTHER ORDERED defendants' Motion for Transcript at Government Expense is rendered moot by the foregoing Order of the Court.

e Court.

ENTERED this  $\frac{27}{20}$  day of January, 1982.

THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE NORTHERN DISTRICT OF OKLAHOMA

United States of	f America vs.	United States	District Co	ourt for
DEFENDANT	LROBERT RAYMOND PERRY	THE NORTHERN	district of ok	laroma _
DEFENDANT	<u> </u>	J DOCKET NO.	81-CR-108-BT	J
v.	JUDGMENT AND PROBAT	<u> </u>		O-245 (6/74)
	In the presence of the attorney for the government the defendant appeared in person on this date		MONTH DAY 01 29	YEAR
COUNSEL		dvised defendant of right to counsel and by the court and the defendant thereupo leman, Appointed Court (Name of counsel)	nd asked whether defendan	t desired to
PLEA	LXXI GUILTY, and the court being satisfied that there is a factual basis for the plea,	NOLO CONTENDERE,	Li NOT GUILTY	
	There being a finding/wereliet of			
FINDING & JUDGMENT	Defendant has been convicted as charged of the offer  Sections 922(a)(6) & 924(a)  the indictment.	se(s) of having violated, as charged in count	f Title 18, U.S ts one & two o	s.c., f
SENTENCE OR PROBATION ORDER	The court asked whether defendant had anything to say was shown, or appeared to the court, the court adjudged hereby committed to the custody of the Attorney General of Count 1 - One (1) Year.  Count 2 - The imposition of is placed on protection commence upon	the defendant guilty as charged and conv or his authorized representative for impriso	victed and ordered that: The onment for a period of led and Defenda of Two (2) year	e defendant is
SPECIAL CONDITIONS OF		í	FILE	)
PROBATION		ť	JAN 2 9 1982 Jack C. Silver, Clerk J. S. DISTRICT COUL	r RT
ADDITIONAL CONDITIONS OF PROBATION	In addition to the special conditions of probation imposed reverse side of this judgment be imposed. The Court may clany time during the probation period or within a maximum probation for a violation occurring during the probation period.	nange the conditions of probation, reduce in probation period of five years permitte	or extend the period of prob	sation: and at
COMMITMENT RECOMMEN- DATION	James Swartz pr	Attorney General and recommends, ace this defendant han itted persistent oblems with alcohol, should be considered	and commitment to the	s judgment e U.S. Mar-
SIGNED BY		alcoholic treatment	THIS DATE TO	18 S
U.S. Magist	THOMAS R. BRETT	Date 1-20-97	BV - Sin x W	(·) CLERK

### UNITED STATES DISTRICT COURT

NORTHERN District of OKLAHOMA
United States of America Criminal No. 81-CR 108-B  vs.  ROBERT RAYMOND PERRY
ORDER FOR DISMISSAL
Pursuant to Rule 48(a) of the Federal Rules of Criminal
Procedure and by leave of court endorsed hereon the United States
Attorney for the Northern District of Oklahoma
hereby dismisses  COUNT III of the INDICTMENT against  (indictment, information, complaint)
ROBERT RAYMOND PERRY defendant.
Asst. United States Attorney
Leave of court is granted for the filing of the foregoing dismissal.
97 YHCANAS R. BREIT
United States District Judge
Date: January 29, 1982
FORM OBD-113

8-27-74

DOJ

United States o	of America vs. United State	es District Court fo
	1	RN DISTRICT OF OKLAHOMA
DEFENDANT	DOCKET NO.	<b>≥</b> : 81-CR-99-BT
	JUDGMENT AND PRODATION/COMMITM	TENT ODDED
<u> </u>		
	In the presence of the attorney for the government the defendant appeared in person on this date	01 27 82
COUNSEL	However the court advised defendant of right to court have counsel appointed by the court and the defendant the LXXI WITH COUNSEL LQ_B_JOHDSON_II_Retained_C(Name of courts)	hereupon waived assistance of counsel.
PLEA	GUILTY, and the court being satisfied that there is a factual basis for the plea,	ERE, LXX_I NOT GUILTY
	There being a finding/verdict of LLL GUILTY. Defendant is discharged LLL GUILTY.	ed
FINDING & JUDGMENT	verdict of not guilty, of the offense of having U.S.C., Section 842(h), as charged in the inc	ing vielated Title 18.
	Jba sawtraded whother defendent had courting to consult who independent should not be propor	unced. Recause on sufficient cause to the contrary
	the carry as specied to the quity the court adjudged the defendant quilty as charged a people general to the gustody of the Attorney General or his authorized representative for	and convicted and force red that the her detention of
SENTENCE OR PROBATION ORDER		
	F	ILED
SPECIAL CONDITIONS		AN 27 1982
OF PROBATION	Jack U. S. I	C. Silver, Clerk DISTRICT COURT
		3
ADDITIONAL CONDITIONS OF PROBATION	In addition to the special conditions of probation imposed above, it is hereby ordered that reverse side of this judgment be imposed. The Court may change the conditions of probation any time during the probation period or within a maximum probation period of five years probation for a violation occurring during the probat on period.	i, reduce or extend the period of probation, and at
	The court orders commitment to the custody of the Attorney General and recomm	
COMMITMENT RECOMMEN-	Approved as to form:	It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.
DATION	Kenneth P. Shoke Asst. U.S. Attorney	
SIGNED BY	rict Judge	THIS DAY
L U.S. Magi		BY A Clyent
	THOMAS R. BRETT Date 1-27-82	DEPUTY

United States of America vs.	Ur	nited States	Distric	ct Cou	irt for
DNITED STATES OF AMERICA VS.  BBBBY GENE CHIDE	STER	THE NORTHERN	DISTRICT	OF OKL	VHOWY _
DEFENDANT		DOCKET NO. 🏚L	81-CR-99-	-BT	
JUDGMENT AND	ROBATION	COMMITMEN	IT ORDE	R A0-	245 (6/74)
In the presence of the attorney for the the defendant appeared in person on the	government nis date	_	MONTH 01	DAY 27	YEAR 82
have c	ounsel appointed by the o	fendant of right to counsel ourt and the defendant thereu (Name of counsel)	pon waived assistar	er defendant conce of counsel.	desired to
PLEA    GUILTY, and the court being sa there is a factual basis for the plant.	ea,	_J NOLO CONTENDERE,	∟ <b>ХХ</b> ⊥ №	T GUILTY	
There being a figging/verdict of L	WY NOT GUILTY.	Defendant is discharged			
FINDING & verdict of not guil U.S.C., Section 842	ty, of the o	ffense of havin	g <b>viålate</b> d		
The count extend who the selection had a was chosen as to select the selection of the selec	anything to sevemby judge a gowt adjudeed the def ttorney Caparel or his au	ment chould not be pronounce andent guilty as charged and berived representative (or imp	d. Because no suffi convicted and orde riscoment for a ce	cient cause to red that. The riod of	the contract delegiant is
SENTENCE OR PROBATION ORDER		• • • • • • • • • • • • • • • • • • •			
		F	ILE	0	
SPECIAL CONDITIONS OF		J/	AN 27 1982		·
PROBATION		Jack U. S. [	C. Silver, Clei DISTRICT COU	rk IRT	
ADDITIONAL CONDITIONS OF PROBATION  In addition to the special conditions of preverse side of this judgment be imposed any time during the probation period or probation for a violation occurring during	. The Court may change t within a maximum proba	he conditions of probation, rec	fuce or extend the	period of prop	iation, and at
The court orders commitment to the  Approved as to form:  RECOMMENDATION  Kenneth P. Snoke	custody of the Attorn	ey General and recommen	It is orde a certifie and com	red that the Clid copy of this mitment to the ther qualified	s judgment e U.S. Mar-
SIGNED BY			CERTIFIED.	ÁS A TRUE C	OPY ON
U.S. District Judge	1 Contract	<u> </u>	ВУ — Д		J. PAK
THOMAS R. BRET	PT Da	te <u>1-27-82</u>		( S 11+1)	DEPUTY

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United	State	s of	America, Plaintiff,	)		F	1	L	<b>F</b>	(
vs				)	80-CR-55-E	ĺ	JAN	27	1982	<b>)</b>
YNNHOL	OTIS	HAMP	TON, Defendant.	) ) )		Jac U. S	-		er, Cl CT <b>C</b> C	

#### ORDER

On June 13, 1980, came the attorney for the government and the defendant appeared in person and by counsel Charles Hack.

IT WAS ADJUDGED that the defendant, upon his plea of guilty, had been convicted of having violated Title 18, U.S.C., Section 495.

IT WAS ADJUDGED that the defendant was sentenced to the custody of the Attorney General for a period of FIVE (5) years as to each of Counts 1 and 2, and a Fine of \$500.00 as to each count. IT WAS FURTHER ORDERED that the imposition of sentence be suspended and the defendant was placed on probation for FIVE (5) years. A special condition of probation was that the defendant make restitution to the F&M Bank and the Bank of Oklahoma.

Thereafter, on December 15, 1981, there having been filed an application by the Probation Officer that the defendant's probation be revoked and the grounds therefor being set thereon, and upon approval by the Court, Warrant for Arrest of Probationer was issued.

Now, on this 27th day of January, 1982, came the attorney for the government and the defendant appeared with counsel Charles Hack. Upon completion of an evidentiary hearing the Court finds the defendant has violated the terms and conditions of said probation and it is adjudged that the order of probation entered June 13, 1980, be revoked and set aside.

IT IS ORDERED that the defendant, Johnny Otis Hampton, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of:

COUNTS 1 and 2 - FIVE (5) YEARS as to each count, count two to run concurrently with sentence imposed in count one.

IT IS FURTHER ORDERED that the Clerk of this Court deliver a certified copy of this Judgment and Commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Dated at Tulsa, Oklahoma, this 27th day of January, 1982.

James O Ellison, U.S. District Judge

JAN 2 6 1982

Jack C. Silver, Gleik U. S. District Court

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, )
Plaintiff, )
vs ) 80-CR-53-E
ANTHONY B. SHATOS, )
Defendant. )

#### $\underline{O}$ $\underline{R}$ $\underline{D}$ $\underline{E}$ $\underline{R}$

On September 8, 1980, came the attorney for the government and the defendant appeared in person and by counsel Robert Perugino.

IT WAS ADJUDGED that the defendant, upon his plea of guilty, had been convicted of having violated Title 18, U.S.C., Section 472.

IT WAS ADJUDGED that the defendant was guilty as charged and convicted.

IT WAS ADJUDGED that the defendant was placed on probation for a period of FIVE (5) YEARS, under the provisions of the Federal Youth Correction Act, with special conditions that the defendant stay employed and avoid the use of drugs.

Thereafter, on December 23, 1981, there having been filed an application by the Probation Officer that the defendant's probation be revoked and the grounds therefor being set thereon, and upon approval by the Court, Warrant for Arrest of Probationer was issued.

Now, on this 26th day of January, 1982, came the attorney for the government and the defendant appeared with counsel Robert Perugino. Upon completion of an evidentiary hearing the Court finds the defendant has violated the terms and conditions of said probation and it is adjudged that the order of probation entered September 8, 1980, be revoked and set aside and further finds the defendant would not benefit from the Federal Youth Correction Act.

IT IS ORDERED that the defendant, ANTHONY B. SHATOS, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of:

COUNTS 2 and 4 - THREE (3) YEARS as to each count, count four to run concurrently with sentence imposed in count two.

IT IS FURTHER ORDERED that the defendant may become eligible for parole at such time as the Parole Commission may determine as provided in Title 18, U.S.C., Section 4205(b)(2). The Court further recommends defendant be placed in a drug treatment facility.

IT IS FURTHER ORDERED that the Clerk of this Court deliver a certified copy of this Judgment and Commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Dated at Tulsa, Oklahoma, this 26th day of January, 1982.

James Of Ellison, U. S. District Judge

FILED IN OPEN COURT

#### UNITED STATES DISTRICT COURT

JAN 26 1982 Jack C. Silver, Clerk

	Northern	District	of	Oklahoma
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U. S. DISTRICT COURT

United States of America	Criminal No. 81-CR-101-B
vs. HOYLE CLEO BLAKELY	}

#### ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of court endorsed hereon the United States Attorney for the Northern District of Oklahoma hereby dismisses the Count I of the Indictment (indictment, information, complaint) Hoyle Cleo Blakely defendant.

> FRANK KEATING United States Attorney

Leave of court is granted for the filing of the foregoing dismissal.

Date: 1-26-82

FORM OBD-113

DOI

8-27-74

United States of	America vs. United St Les	District Court for
		DISTRICT OF OKLAHOMA
DEFENDANT		
	L DOCKET NO.	81-CR-101-01-BT
	JUDGMENT AND PROBATION/COMMITMEN	T ORDER AO-245 (6/74)
	In the presence of the attorney for the government the defendant appeared in person on this date	Ol 26 82
COUNSEL	WITHOUT COUNSEL  However the court advised defendant of right to counsel apprinted by the court and the defendant thereup	and asked whether defendant desired to
	WX WITH COUNSEL Michael Fairchild, Retained Counsel (Name of counsel)	
	- NO CONTENDEDE	$\mathcal{L}$
PLEA	LXXI GUILTY, and the court being satisfied that there is a factual basis for the plea,	— JAN 2'5 1982 ↑
	NOT GUILTY. Defendant is discharged	Jack C. Silver, Clerk
	There being a finding/vacations of XX Guilty. Defendant is discharged	U. S. DISTRICT COURT
	Defendant has been convicted as charged of the offense(s) of having violate	
FINDING & JUDGMENT	Section 5861(d), as charged in count two of the	indictment.
· -		
		1
k,	The court asked whether defendant had anything to say why judgment should not be pronounced was shown, or appeared to the court, the court adjudged the defendant guilty as charged and chereby committed to the custody of the Attorney General or his authorized representative for important process.	onvicted and ordered that: The defendant $r$
	Count 2 - Eighteen (18) months. Defendant m	ay become eligible
SENTENCE	for parole at such time as the U.S may determine as provided in Title	. Parole Commission
OR PROBATION	4205(B) (2).	107 oben, beceron
ORDER		
SPECIAL	IT IS FURTHER ORDERED that execution of this	
CONDITIONS OF	deferred until Tuesday, February 2, 1982, at at which time defendant is to report to the	U.S. Marshal
PROBATION	for the Northern District of Oklahoma, Tulsa	, OK.
		Ç <b>a</b>
•		1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
		·· · · · · · ·
ADDITIONAL CONDITIONS	In addition to the special conditions of probation imposed above, it is hereby ordered that the	peneral conditions of probation set out on the
OF	reverse side of this judgment be imposed. The Court may change the conditions of probation, red any time during the probation period or within a maximum probation period of five years perm probation for a violation occurring during the probation period.	uce or extend the period of probation, and at itted by law, may issue a warrant and revoke
PROBATION	The court orders commitment to the custody of the Attorney General and recommend	de C
	Approved as to form: the defendant be considered	It is ordered that the Clerk deliver
COMMITMENT	vision because he has admi.	tt and commitment to the U.S. Mar-
RECOMMEN- DATION	Ben F. Baker ed being a daily user of Asst. U.S. Attorney marijuana.	shal or other qualified officer.
SIGNED BY		
XX_1 U.S. Dist	Maria Rolling XI	1
L U.S. Mag	THOMAS R. BRETT 1-25-82	<b>_</b>
	Date	

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 79-CR-45-C

FILED

SHIRLEY OLEAN MAXWELL,

Defendant.

JAN 25 1982 rm

ORDER

Jack C. Silver, Clark U. S. DISTRICT COURT

On May 30, 1979, came the attorney for the Government, and the defendant appeared in person and by counsel, Van N. Eden.

IT WAS ADJUDGED that the defendant, upon her plea of guilty, was convicted of having violated Title 18, U.S.C., \$1708, as charged in the Indictment.

IT WAS FURTHER ADJUDGED that the imposition of sentence was suspended and the defendant was placed on probation for a period of Three (3) Years. It was further ordered that the defendant make restitution in amounts and at such times as designated by the Probation Office.

Thereafter, and on December 7, 1981, there having been filed an application by the supervising probation officer, Dayton Wagner, that the defendant's probation be revoked and the grounds therefor being set thereon, and upon approval of the Court, Warrant for Arrest of Probationer was issued.

Thereafter, on the 13th day of January, 1982, pursuant to said warrant, the probationer, Shirley Olean Maxwell, appeared before the Court with her attorney and counsel, Merl A. Whitebook. The Government was represented by Ben F. Baker. Thereafter, the Court directed that the Probation Officer, E. Dayton Wagner, recite and advise the Court and the defendant the grounds of revocation. The probationer, having been given a written notice of the alleged violation of probation,

and there having been made a disclosure of the evidence against her, and being provided an opportunity to appear and present evidence in her own behalf, together with the opportunity to question witnesses against her, and after statements confirming probation violation by probationer and her counsel, and said probationer having waived her right to an evidentiary hearing, the Court finds that an evidentiary hearing is not necessary and that the defendant had violated the terms of her probation and that probation should be revoked. The Court directed the hearing on revocation be continued and the Probation Office was directed to furnish the Court with additional information.

Now, on this 25th day of January, 1982,

IT IS ORDERED that the Order of Probation, entered on May 30, 1979, be revoked and set aside.

IT IS FURTHER ORDERED that the defendant, SHIRLEY OLEAN MAXWELL, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Five (5) Months.

IT IS FURTHER ORDERED that the execution of sentence is suspended until Monday, February 1, 1982, at 9:00 a.m., at which time defendant is to surrender herself to the U. S. Marshal in execution of said sentence.

IT IS FURTHER ORDERED that the Clerk of this Court deliver a certified copy of this Judgment and Commitment to the U. S. Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

DATED at Tulsa, Oklahoma, this 25th day of January, 1982.

H. DALE COOK, Chief Judge

United States District Court )
Northern District of Oklahoma) ss

I hereby certify that the foregoing is a true copy of the original on file in this Court.

Jack C. Silver, Clerk

By R. Miller

### UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA CLERK'S OFFICE

JACK C. SILVER CLERK

UNITED STATES COURT HOUSE

(918) 581-7796 (FTS) 736-7796

#### TULSA, OKLAHOMA 74103

January 28, 1982

Mr. Kenneth P. Snoke Assistant U. S. Attorney 460 U. S. Courthouse Tulsa, Oklahoma 74103

Mr. Kenneth L. Stainer Attorney at Law 320 South Boston, Suite 108 Tulsa, Oklahoma 74103

81-CR-57-01-C

U. S. A. v. William Michael Johnson

Gentlemen:

This is to advise you that Chief Judge H. Dale Cook entered the following Minute Order this date in the above case:

"IT IS ORDERED that the Judgment and Probation Order of January 25, 1982 is modified as follows:

'IT IS ORDERED that the Imposition of Sentence is suspended and the Defendant is placed on probation for a period of Four (4) Years, to commence at the expiration of the confinement imposed in Case No. CR-81-46-E, U. S. District Court, Western District of Oklahoma.'"

Very truly yours,

JACK C. SILVER, CLERK

Rosens J. moles

rfm

cc:

U. S. Marshal U. S. Probation

United States of	America vs.	Unite	d Sûtes I	District Co	ourt
	WILLIAM MICHAEL JOHN	SON LNO	ORTHERN DIST	RICT_OF_OKLA	HOMA
DEFENDANT	<b>&gt;</b>				
· · · · · · · · · · · · · · · · · · ·	<u> </u>		DOCKET NO.	81-CR-57-01-	-C ****
	JUDGMENT AND PR	OBATION/CO	MMMYMENT	ORDER	AO-245 (6/74)
	In the presence of the attorney for the government the defendant appeared in person on this control of the defendant appeared in person on this control of the defendant appeared in person on the defendant appeared in person on the defendant appeared in			MONTH! DAY	YEAR
COUNSEL		the court advised defendant of	of right to counsel and	1 25 asked whether defenda	1982 ant desired to
	· · · · · · · · · · · · · · · · · · ·	th . Stainer, co			nsel.
PLEA	GUILTY, and the court being satisfi	ied thatNOLC	CONTENDERE,	NOT GUILT	Y
*	there is a factual basis for the plea,	J NOT GUILTY. Defenda	at is discharged		
	There being a finding/sextsex of	J GUILTY.			
	Defendant has been convicted as charged c	of the offense(s) of hav:	ing violated	Title 18,	
FINDING & JUDGMENT	U. S. C., §371, as c	harged in the I	ndictment.		
			The state of the s		
	The court asked whether defendant had anyth	ing to say why judgment shoul	ld not be pronounced. Be	cause no sufficient cause	to the contract
	was shown, or appeared to the court, the court besety committed to the custedy of the Attorn	ırt adjudged, the defendant gui	Ity as charged and convid	cted and ordered that: 1	Fhe defendant i
SENTENCE	IT IS ORDERED th and the Defendant is	placed on Prob	ation for a p	period of 🐣	ded
OR PROBATION	Four (4) Years, to c finement imposed in		expiration o	f the con-	
ORDER					40% c
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,	Section 1 Sectio	Brack Strategic	FILE	. <b>D</b>	**************************************
SPECIAL CONDITIONS	r.	r V		nm	
OF PROBATION			JAN 25 191	32 1	
	* * * * * * * * * * * * * * * * * * *		Jack C. Silver, U. S. DISTRICT	Clark COURT	
			fi' 2' Naturat	And the first of the	
a; "			1 ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) (		
ADDITIONAL CONDITIONS OF	In addition to the special conditions of probat reverse side of this judgment be imposed. The any time during the probation period or withi probation for a violation occurring during the p	Court may change the condition a maximum probation period	ns of probation, reduce o	r extend the period of p	robation and a
PROBATION	The court orders commitment to the cust		al and recommends		
COMMITMENT	M. San			It is ordered that the	
RECOMMEN- DATION	•			and commitment to shal or other qualifie	the U.S. Mar-
. <b>r</b> .	* .			2	
SIGNED BY  XX U.S. Distri	ct ludge				
U.S. Magis		wer )	•		to the
	H. DALE COOK	Date 1-25	5-82		10 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)
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17.					
		We are a second and a second an			

United States o	f America vs.	U	nited St.	tes Dis	strict (	Court fo
	BUELL HALEY MA	SSINGALE	THE NORTH	ERN DISTI	RICT OF (	OKLAHOMA _
DEFENDANT	(,		DOCKET NO	. <u>▶</u> 81-CF	R-100-BT	
	JUDGMENT AN	D PROBATIO		<del></del>		
			T) C O MI WIE I	ALERY O	NDEN	AO-245 (6/74)
	In the presence of the attorney for the defendant appeared in person	-		0]		S 82
COUNSEL		However the court advised have counsel appointed by the				
		rry A. Gulleks		Counsel		
PLEA	$\int_{\mathbb{L}^{XX}} \mathbb{L}^{XX} \mathbb{I}^{XX}$ GUILTY, and the court be	ng satisfied that	NOLO CONTENI	DERE, L_	NOT GUI	LTY
PLEA	there is a factual basis for t	he plea,				ED
,	There being a finding/ <b>滋滋光炎</b>	$ \begin{cases}                                    $	Defendant is dischar	ged		8 1982
	Defendant has been asset as	•	d to south on the district			Silver, Clerk
FINDING &	Defendant has been convicted as a Section 1709 as c	harged in coun	t one of the	ated Tit indictme	int.	Kiel anhui
JUDGMENT		-			:	,
			,		,	•
· -	]					A. C. S.
	The court asked whether defendant was shown, or appeared to the cou	rt, the court adjudged the de	fendant guilty as charged	and convicted a	and ordered that	t: MXXXXXXXXXXX
SENTENCE OR PROBATION ORDER	THE IMPOSITION O hereby suspended for a period of IT IS FURTHER OR and said fine is	and the Defend Two (2) Years : DERED that the	dant is place from this da Defendant is	ed on pro te. fined \$	bation 2,000.00	) .
SPECIAL						
CONDITIONS OF						
PROBATION					٠.	
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				•		
ADDITIONAL CONDITIONS OF PROBATION	In addition to the special conditions reverse side of this judgment be impany time during the probation period probation for a violation occurring during du	osed. The Court may change d or within a maximum prot	the conditions of probatic	on reduce or exte	end the period of	f probation, and at
COMMITMENT RECOMMEN- DATION	The court orders commitment to Approved as to form Kenneth P. Snoke Asst. U.S. Attorney	nobe	ney General and recom	l a a	certified copy	the Clerk deliver of this judgment to the U.S. Mar- lified officer.
SIGNED BY  XX U.S. Distri		Alexander De	1-18-82			

# FILED

44.4	UNITED STATES DISTRIC	
***	nern District of	JAN 14 1982 Oklahoma
		Jack C. Silver, Clerk U. S. DISTRICT COURT
United States of	America )	Criminal No. 80-CR-128
vs. RED M. CAIN	}	÷
	ORDER FOR DISM	ISSAL
Pursuant to	Rule 48(a) of the Fed	deral Rules of Criminal
Procedure and by	leave of court endors	sed hereon the United States
Attorney for the	Northern Dia	strict of Oklahoma
hereby dismisses	the Indictment	against
Rod M. Coi-		nformation, complaint)
Red M. Cain,	defer	ndant.
	•	
·		
	Fr Un	ank Keating Lited States Attorney
	As	St. United States Attorney
Leave of court i	s granted for the filt	ing of the foregoing dismissal.
		United States District Judge
Date:		
DOJ		FORM OBD-113
		8-27-74

			7	81-CR-93	
and the second	JUDGMENT	AND PROBA	TION/COMMITME	NT ORDER	AO-24
	In the presence of the atte the defendant appeared in	orney for the government		MONTH	DAY
COUNSEL	WITHOUT COUNSI	EL However the court a	advised defendant of right to counse d by the court and the defendant there	I and asked whether	defendant desi
l	MITH COUNSEL	Lken Underwoo	(Name of counsel)		
PLEA	GUILTY, and the co	ourt being satisfied that sis for the plea,	L NOLO CONTENDERE	, L <u>T</u> INOT	GUILTY
	Fhere being a finding/vere	igtof { L. NOT GU	IILTY. Defendant is discharged		
[	Defendant has been convic	ted as charged of the offer	ise(s) of	ed Title 21	l, π.s.c
JDGMENT		( ), as cuarged	in the Indictment.		
	The court asked whother defend	and an Al-			
		muant had anything to say w	hy judgment should not be propounced	. Because no sufficient	cause to the co
y h	The court asked whether defe was shown, or appeared to the ereby committed to the custo	he court, the court adjudged ody of the Attorney General o	ny judgment should not be pronounced the defendant guilty as charged and co r his authorized representative for impr	printed and ordered to	hat: The defen
h	vas shown, or appeared to the ereby committed to the custon THREE (3) YEARS	ody of the Attorney General o	the defendant guilty as charged and co r his authorized representative for impr	onvicted and ordered to isonment for a period	that: The defen
ENTENCE OR	reply committed to the customers.  THREE (3) YEARS  IT IS FURTHER Operate at such	DRDERED that the	r his authorized representative for impr	nnvicted and ordered to isonment for a period	:hat: The defen of
ENTENCE OR OBATION ORDER	THREE (3) YEARS IT IS FURTHER Operate at such provided in T.	ORDERED that the time as the Parish, NSC, Sec.	e defendant may become serious (b) (2).	one eligibi determine	that: The defenor
ENTENCE OR OBATION ORDER	relevation committed to the custom relation of the custom relation of the custom relation rel	ORDERED that the time as the Part 18, WSC, Sec.	r his authorized representative for impresentative	onvicted and ordered is isonment for a period of the control of th	chat: The defen
OR OBATION DRDER	relevation committed to the custom relation of the custom relation of the custom relation rel	ORDERED that the time as the Part 18, WSC, Sec.	e defendant may become serious (b) (2).	onvicted and ordered is isonment for a period of the control of th	chat: The defen
OR OBATION DRDER	relevation committed to the custom relation of the custom relation of the custom relation rel	ORDERED that the time as the Part 18, WSC, Sec.	r his authorized representative for impresentative	onvicted and ordered is isonment for a period of the control of th	chat: The defen
OR OBATION DRDER	relevation committed to the custom relation of the custom relation of the custom relation rel	ORDERED that the time as the Part 18, WSC, Sec.	r his authorized representative for impresentative	ome eligibi determine  d on THO (	chat: The defen
OR OBATION DRDER	relevation committed to the custom relation of the custom relation of the custom relation rel	ORDERED that the time as the Part 18, WSC, Sec.	r his authorized representative for impresentative	ome eligible determine det	e for  e for  self-  2)  ution.
ENTENCE OR OBATION ORDER PECIAL IDITIONS OF OBATION	relevation committed to the custom relation of the custom relation of the custom relation rel	ORDERED that the time as the Part 18, WSC, Sec.	r his authorized representative for impresentative	ome eligible determine determine ()	e for  e for  self-  2)  ution.
ENTENCE OR OBATION DRDER  PECIAL DITIONS OF DBATION TIONAL DITIONS OF	ereby committed to the custor.  THREE (3) YEARS  IT IS FURTHER Of the provided in T.  IT IS FURTHER OF THE PROVIDENCE OF	DERED that the time as the Paris of probation imposed at the probation imposed at the probation of probation imposed at the probation of probation imposed at the probation imposed at the probation of probation imposed at the probation in the probation imposed at the probation in the probation in	r his authorized representative for impresentative for impresentation may become a second for the place of the conditions of probation, reduced the conditions of probation the conditions of probations of probation the conditions of probations of probation the c	ome eligibi determine ed on TWO (	e for as
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ENTENCE OR OBATION ORDER  PECIAL IDITIONS OF OBATION OF OBATION OF OBATION OF	THREE (3) YEARS IT IS FURTHER Of parole at such provided in T.  IT IS FURTHER OF THE STATE OF TH	DERED that the time as the Parison of probation imposed at imposed. The Court may chain period or within a maximum producing the probation period.	r his authorized representative for impresentative for impresentative for impresentative for impresentative for impresentative for impresentation may become for the commission may 4205(b)(2).  The defendant he place for the place for the conditions of probation, reduce probation period of five years permitted torney General and recommends,	ome eligibil determine ed on THO (From institution of probor extend the period of by law, may issue a lit is ordered that a certified copy and commitment	ation set out on of probation, an warrant and revenue to the U.S. Malified officer.